

WHAT YOU NEED TO KNOW
ABOUT ONTARIO'S RESIDENTS'
RIGHTS ACT

Apartments in Houses

Information for
Tenants



Ontario

Ministry of Housing

What is the Residents' Rights Act?

The Residents' Rights Act is a new law in Ontario. Homeowners are now allowed to have a self-contained apartment in their house, provided that building, fire and reasonable planning standards are met. Zoning by-laws can no longer be used to unreasonably prohibit such units.

WHAT IS AN APARTMENT IN A HOUSE?

The Residents' Rights Act allows a second unit in a detached, semi-detached or row-house. Units must be "self-contained", meaning that each unit must have its own kitchen and bathroom, although both units in a house may share the same exit.

A second unit can be:

- located anywhere in the house (including on the second floor, above an attached garage or in the basement)

- created by sub-dividing or adding on to an existing house
- created in a new house at the time it is built

The law applies to the creation of new apartments in houses, and legalizes existing apartments, provided that requirements are met.

The law applies regardless of whether or not the owner lives in the house.

HOW WILL THE LEGISLATION AFFECT TENANTS?

The Residents' Rights Act is designed to make sure that existing apartments in houses, which may have been created illegally, are safe.

The legislation will likely result in more affordable apartments being created, in a wider variety of neighborhoods.

Apartments in houses usually rent for less than units in apartment buildings, so the law will help create more affordable housing.

If you already live in an apartment in a house which is covered by the Residents' Rights Act, you should be aware that:

- You are in a better position to ensure your apartment is safe and well-maintained.
- You can now complain about substandard or unsafe conditions without fear that your apartment will be shut down as an "illegal use." The usual Landlord and Tenant Act rules apply.
- There are new Fire Code **requirements** on key aspects of fire safety in place to make sure apartments are safe.
- Property owners have a legal responsibility to meet these requirements.

DOES THE RESIDENTS' RIGHTS ACT APPLY EVERYWHERE IN ONTARIO?

Houses with two units are allowed all across Ontario, subject to certain exceptions. These include cases where houses are on private septic systems or are located in areas which do not permit residential use.

In these cases, it is up to the municipality to decide whether an apartment is allowed, and what standards apply.

DOES YOUR APARTMENT MEET FIRE CODE REQUIREMENTS?

The requirements in the Fire Code apply to existing apartments. Homeowners have a legal responsibility to meet these requirements, and may face a fine of up to \$25,000 or one year in jail if the Fire Code is violated.

If you have a concern about safety in your apartment, speak to your landlord. You may also contact your local fire department.

In general, the Fire Code requirements for apartments in houses cover:

- smoke alarms
- fire exits
- fire separations between each dwelling unit and other areas (for example, this refers to the walls, floors and ceilings that separate the two units, and the length of time it would take for a fire to burn through them)
- electrical safety

Fire Code requirements apply equally to both units in the house, whether or not the owner lives in one of them.

FOR FURTHER INFORMATION ...

If you have questions about...

How to obtain a copy of the Fire Code regulation for apartments in houses: (O:REG.385/94 Retrofit Section 9.8)

The Fire Code and how to obtain the brochure: "Fire Safety for Houses with Two Residential Units"

Ontario Hydro or general electrical inspections

Property standards

Maintenance standards

Landlord and Tenant Act

Rent Control Act

The Residents' Rights Act (Bill 120)

- Apartments in houses information
- Garden suites information
- How-to guide for installing and upgrading of second units in houses
- How-to guide for installing garden suites

The Residents' Rights Act (Bill 120)

- Care homes information

How to obtain more copies of this brochure and others in the Ministry of Housing "Apartments in Houses" series:

- Information for Homeowners
- Garden Suites

Please contact.... (numbers not listed here can be found in the blue pages of your telephone book)

Publications Ontario 1-800-668-9938 or
(416) 326-5300 Fax (416) 326-5317

Local fire department or the regional office of the Fire Marshal – listed under the Ministry of the Solicitor General and Correctional Services

Local Ontario Hydro Electrical Inspections Processing Centre (phone numbers are listed at the back of this brochure)

Municipal property standards or by-law enforcement department

Area Rent Control Office of the Ministry of Housing

Area Rent Control Office of the Ministry of Housing

Area Rent Control Office of the Ministry of Housing

Housing Development and Buildings Branch of the Ministry of Housing (416) 585-6515

Area Rent Control Office of the Ministry of Housing

Area Rent Control Office of the Ministry of Housing
or

Ministry of Housing Customer Assistance
(416) 585-7041

Homeowners are responsible for installing smoke alarms in both units immediately. It is the law that these be maintained in operating condition, so they should be tested regularly.

Your landlord has until July 14, 1996 to comply with other requirements.

WHAT CAN I DO TO HELP MAKE SURE MY APARTMENT IS SAFE?

If you think that your apartment does not meet fire safety requirements, you should speak directly to your landlord about your concerns. Your landlord can arrange a fire safety inspection, or you can do this on your own.

A qualified architect, engineer or home inspector can advise you on whether your unit meets fire safety requirements. Many municipalities have fire departments which can also conduct fire inspections.

For more detailed information about fire safety requirements, you may purchase a copy of the new Fire Code regulation for apartments in houses: (O:REG.385/94, Retrofit Section 9.8). This is available at Publications Ontario at a cost of \$2.50.

Another source of information is the brochure: "Fire Safety for Houses with Two Residential Units" produced by the Office of the Fire Marshal. This is available from your local fire department.

To make sure the wiring in your house is free from visible electrical hazards, homeowners are

responsible for having a general electrical inspection conducted by Ontario Hydro. Your landlord is responsible for arranging for and paying for this service. If you are concerned about the electrical safety in your apartment, ask your landlord whether arrangements have been made for Ontario Hydro to conduct an inspection.

Ontario Hydro will send your landlord a letter describing what was found during the inspection. All electrical hazards identified during an inspection must be repaired by July 14, 1996.

WHAT ABOUT PROPERTY STANDARDS?

Property standards by-laws also apply to apartments in houses. Property standards by-laws include matters such as:

- property maintenance
- over-crowding
- ventilation
- dampness
- room temperature

If you have a concern about anything to do with property standards, contact your municipality's property standards or by-law enforcement department.

Some municipalities do not have property standards by-laws. In these cases, maintenance standards set by the provincial government apply to rental units. Contact your local Rent Control Office for more information (Rent Control Offices are listed at the back of this brochure.)

WHAT ELSE DO I NEED TO KNOW ABOUT LIVING IN AN APARTMENT IN A HOUSE?

If you rent an apartment in a house, you are fully protected under the Landlord and Tenant Act and the Rent Control Act. You are responsible for paying your rent and complying with rules and regulations under these laws. You should find out what these Acts contain so you can be informed of your rights and responsibilities.

The Landlord and Tenant Act deals with the “relationship” between you and your landlord.

The Act covers matters such as:

- tenancy agreements (leases)
- last month's rent
- subletting
- privacy and access
- repairs and maintenance
- termination of tenancy (and eviction)

The Rent Control Act deals with the money involved in renting, such as:

- amount charged for rent
- how often and in what way rent increases can be made
- how to get action if your apartment is poorly maintained

In some cases, new units in houses or buildings can be exempt from most of the Rent Control Act for five years. For this exemption to apply, no unit in the building can have been occupied before November 1, 1991. The landlord has to

give notice to the tenant ahead of time, and must also register certain information with the Rent Registry. Call your local Rent Control Office for more details, and to find out if you're covered.

(For more information on the Rent Control Act call your local Rent Control Office, listed at the back of this brochure.)

ONTARIO HYDRO ELECTRICAL INSPECTIONS PROCESSING CENTRES

Barrie

(705) 726-5169

Toll-free: 1-800-571-7724

Belleville

(613) 969-0201

Toll-free: 1-800-369-7536

Guelph

(519) 821-2830

Toll-free: 1-800-813-5482

Hamilton

(905) 529-7125

Toll-free: 1-800-278-4264

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(807) 468-5111

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(905) 946-6300

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Toll-free: 1-800-813-8467

Thunder Bay

(807) 343-3404

Toll-free: 1-800-465-3990

Windsor

(519) 972-3110

Toll-free: 1-800-880-9463

RENT CONTROL AREA OFFICES

Barrie

(705) 737-2111

Toll-free: 1-800-461-2882

Hamilton

(905) 528-8701

Toll-free: 1-800-668-9565

Kingston

(613) 598-6770

Toll-free: 1-800-263-6092

Kitchener

(519) 579-5790

Toll-free: 1-800-265-8926

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Toll-free: 1-800-265-3737

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Toll-free: 1-800-263-4937

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